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28249	7590	03/09/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			CHAN, RICHARD	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 5, applicant discloses a second housing including a first and second display in which the second display is always exposed regardless of an open and close state. However, it would not be possible for the second display to still be viewable while in the close position, if the display was located on the same housing as the first display through the specification provided the applicant. In regard to claim 5, the second display will be interpreted as being "integrally" connected to the second housing, which will allow it to be viewable in either an open or closed state.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2685

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "the third housing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Kokubo (US 2003/0119562).

With respect to claim 1, Kokubo disclose a portable communication apparatus **100**, comprising: a) first housing **160** including an open space surrounding display **142** and a pair of hinge supports **140**, the open space having at least one opening, the hinge supports extending longitudinally and surrounding opposite sides of the open space; b) a hinge axis extending across the open space, paragraph **[0039]**; c) a second housing **120** including a first display **122 [0038]**, rotatably connected to the first housing **160** to open from and close to the first housing; and d) a third housing surrounding including a second display **142**, extending in a longitudinal direction of the second housing **120** to

Art Unit: 2685

be accommodated in the open space to enable the third housing to rotate about the hinge axis **140**; wherein the second display **142** is always exposed regardless of an open and close state of the second housing to the first housing **160**.

With respect to claim 2, Kokubo discloses the portable communication apparatus **100** according to claim 1, wherein the first housing **160** has an upper surface including a plurality of keys and a microphone **108**, and wherein the second housing **120** has the lower surface including a speaker device **104**.

With respect to claim 3, Kokubo discloses the portable communication apparatus **100** according to claim 1, wherein the third housing surrounding second display **142** is integrally connected to the second housing **120**.

With respect to claim 5, Kokubo discloses the portable communication apparatus **100**, comprising: a) first housing **160** including an open space between the pair of hinge supports in hinge module **140**, the open space having at least one opening, the hinge supports extending longitudinally and surrounding opposite sides of the open space; b) a hinge axis extending across the open space; c) a second housing **120** including a first display and a second display located integrally connected to a second housing **120**; wherein said first display **122** and said second display **142** are looked upward the same direction, and said second display is always exposed regardless of an open and close state of the second housing to the first housing **[0039]**.

Art Unit: 2685

With respect to claim 6, Kokubo discloses the portable communication apparatus 100 according to claim 5, wherein the first housing 160 has an upper surface including a plurality of keys 162 and a microphone 108, and wherein the second housing 120 has the lower surface including a speaker device 104.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubo (US 2003/0119562 A1) in view of Kido (US 2001/0016508).

With respect to claim 4, Kokubo discloses the portable communication apparatus according to claim 1, however Kokubo does not specifically disclose wherein the lower surface of the third housing protrudes from the lower surface of the second housing in a stepped shape.

The Kido reference however discloses a secondary display **102** located on a third housing unit **109** wherein the third housing is protruding from the lower surface of the second housing **105**.

It would have been obvious to one of ordinary skill in the art to implement a protruding surface to house the secondary display as disclosed by Kido in order to properly view the display while the apparatus is in the "closed" position.

With respect to claim 8, Kokubo discloses the portable communication apparatus according to claim 5, however Kokubo does not disclose wherein the lower surface of the third housing protrudes from the lower surface of the second housing in a stepped shape.

The Kido reference however discloses a secondary display **102** located on a third housing unit **109** wherein the third housing is protruding from the lower surface of the second housing **105**.

It would have been obvious to one of ordinary skill in the art to implement a protruding surface to house the secondary display as disclosed by Kido in order to properly view the display while the apparatus is in the "closed" position.

The Kokubo and Kido references are analogous art because both references disclose electronic apparatuses, which are of the foldable type.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Kokubo reference (US 2006/0035680) discloses a portable terminal apparatus and display control program thereof.

Art Unit: 2685

The Sakamoto reference (US 2006/0019728) discloses a portable that connects the two housing sections of the mobile phone horizontally.

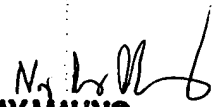
The Park reference (US 2005/0192066) discloses a portable communication apparatus having triple-axis hinge folder and rotation locking device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chan whose telephone number is (571) 272-0570. The examiner can normally be reached on Mon - Fri (9AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/27/06

  
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